

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 RICHARD MARKS,

5 Plaintiff,

6 v.

7 WILLIAMS, *et al.*,

8 Defendants.

Case No. 2:19-cv-01359-APG-EJY

ORDER

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10 **I. DISCUSSION**

11 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections
12 (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1).
13 Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in*
14 *forma pauperis*.

15 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
16 application to proceed *in forma pauperis* and attach both an inmate account statement for the past
17 six months and a properly executed financial certificate. The Court will retain Plaintiff’s civil rights
18 complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is
19 resolved. Plaintiff will be granted an opportunity to file an application to proceed *in forma*
20 *pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an
21 application to proceed *in forma pauperis* he must file a fully complete application to proceed *in*
22 *forma pauperis*, including the required financial certificate and account statements.

23 **II. CONCLUSION**

24 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL SEND
25 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the
26 document entitled information and instructions for filing an *in forma pauperis* application.
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1 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,
2 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
3 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2)
4 pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
5 administrative fee).

6 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
7 dismissal of this action may result.

8 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
9 No. 1-1), but shall not file it at this time.

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11 DATED THIS 12th day of August, 2019.

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14 UNITED STATES MAGISTRATE JUDGE
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